

## ***City of Salina***

### ***Building Advisory Board Agenda***

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**MEETING DATE:** Tuesday, September 12, 2006

**TIME:** Start: 4:00 p.m.

**PLACE:** City/County Building, Room 107

**MEETING LENGTH:** Estimated – 2 hours

**AGENDA ITEMS:** (A) Approval of August 8, 2006 Minutes

(B) Further discussion regarding the requirements for Specialty Contractor licensing, building contractor licensing requirements for commercial property owners and continued registration for other contractors not otherwise required to be licensed. (postponed from 8-8-06 meeting)

(C) Other Business

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## **NOTES:**

Board members: At the August 8 meeting Greg Bengtson, City Attorney distributed a “decision grid” for you to consider in preparation for the September meeting discussion on contractor licensing. There have been a couple of changes to that document, so we are including the revised version with this agenda packet mailing.

Also included in this mailing is an opinion (via e-mail) from Derek Jones with Paramount Construction.

## SUMMARY MINUTES

**BUILDING ADVISORY BOARD  
ROOM 107, CITY-COUNTY BUILDING**

**TUESDAY – AUGUST 8, 2006 – 4:00 P.M.**

**Members Present:** Bob Haworth, Les Appleby, Vernie Stillings, Dallas Bruhl, Jim Manley, Steve Barnett

**Members Absent:** Kenny Hancock, Rick Walters, Bob Dolan

**Staff Present:** Mike Roberts, Sue Cline, Mike Schrage, Greg Bengtson

**Audience Count:** 3

Meeting was called to order by Bob Haworth, Chairman, at 4:00 p.m.

### **(A) Approval of July 11, 2006 minutes**

Bob Haworth also requested the board members to take a minute or two to review the “summary of action” report that Mike Roberts prepared and passed out just before today’s meeting. It will assist them in understanding the minutes for the July 11 meeting. (see copy of summary included in these minutes)

There was a correction on page 4 of the minutes, regarding the 2<sup>nd</sup> of a motion. Steve Barnett confirmed that he seconded that motion.

**MOTION:** Vernie Stillings moved to approve minutes as corrected

**SECOND:** Dallas Bruhl

**DISCUSSION:** no further discussion

**VOTE:** 6-0 approved with corrections

### **(B) Appeal by Jerry Sahlfeld to allow an accessory structure larger than 200 square feet which would be considered a moveable structure**

*(This section of minutes is verbatim – staff report presentations are not transcribed verbatim but are available as enclosures within these minutes)*

**Mike Roberts** – started by reminding everyone that since this portion of the meeting will be verbatim minutes it is especially important that everyone be sure to speak directly into the microphone.

**Mike Roberts** presented the staff report (*see enclosed*) and indicated that he would be happy to answer any questions that board members have at this time.

**Jim Manley** – I have a question....The IRC and I think the IBC took out that 400 square foot requirement but there are other exceptions in the code that allow you to have a foundation on wood.

**Mike Roberts** - There are provisions in both the International Building Code and the International Residential Code to build prescriptive wood foundations, not to eliminate the foundations all together or to set the building on the ground. Both requirements for concrete

foundations and wood foundations require that there has to be some permanent structure in the ground – prescriptively sized – to satisfy the code requirements for a foundation for that structure.

**Jim Manley** - I think there are exceptions in the code. I am not familiar enough with them – that was going to be my question – to see if you (*referring to Mike Roberts*) were familiar with them. They reference some other codes.

**Mike Roberts** – To my knowledge the International Residential Code, in the section that we have referenced in the staff report, Section 403.1, which is what he is appealing today, does not provide any exceptions for the elimination of permanent foundations. It provides some exceptions for how deep you have to go. For example if the buildings were small enough then the foundations don't have to go down below the frost level. Perhaps that is what you are thinking about – the reduced size of the foundations but there is no exception to eliminate the foundation all together. It does provide for a 'shallowing' of the foundation for small enough buildings.

**Jim Manley** – Okay

**Bob Haworth** – Are there other questions of Mr. Roberts by the board? Hearing none, would the applicant like to make any comments?

**Jerry Sahlfeld** – I'm Jerry Sahlfeld at 1409 Meyer Drive. Mike pretty much said everything that's going on, but do I have to give you reasons why I want this shed. I am trying to figure out what I'm supposed to be doing. I got plenty of reasons why I need this shed – if you want to hear them all.

**Mike Roberts** – The burden of proof, if you will, is to try to validate to the board why you believe increasing the size of the building over what the duly adopted codes allow in this community will still make the building safe.

**Jerry Sahlfeld** – Okay, well I purchased this piece of land in March 2006 adjacent to my back yard. It's 21 feet deep and 78 feet long. I want to put a big garage on that area, but now I have it down to a 12'x24' and they're saying they just want me to put a 10'X20', because it's supposed to be 200 square feet and I'm wanting a 288 sq. ft. shed. I do a lot of auctioning and stuff and the reason I need this big of a shed is that I have to get my house cleaned out – you know it's just normal standards – everyone wants a big shed. I've got three motorcycles in my garage and I can't get my wife's car in the garage and I just want a bigger shed than 200 square feet basically. I'm from a family of nine and my wife is from a family of twelve. We take turns having Christmas and Thanksgiving so I have to get that stuff out of there to have things like that in my house. You can say "don't go to auctions" but I like to do that you know. That's my thing to do. So, that plus the fact that back in 1967, if this makes a hill of beans to anybody, I got drafted and I was a combat medic in Vietnam and I actually fought the war, I didn't sit behind a desk, and the thing is that should be a little freedom to put a 12'X24' shed in your own back yard. It's pretty simple, whether you guys believe any of that crap or not, I don't know.

**Bob Haworth** – You said – in some of this that I read before (referring to staff report) - that a good portion of this building would be in an established easement and that's why you can't do a permanent foundation?

**Jerry Sahlfeld** – Well I think maybe three feet, if we get that squared away we could probably get it down to very little. There's a sewer line there but we would not even be touching that sewer line. I mean, we'll be six to seven feet away – I was supposed to give them ten feet on both sides of the sewer line – and from what I understand I'd be giving them about six or seven on one side and ten on the other.

**Dallas Bruhl** – As I understand it, Jerry, you're not asking to build a building with a permanent foundation, is that correct?

**Jerry Sahlfeld** – It's got skids on it – it's a Sturdi-Bilt building. They put skids on them, they do them every day you know. It's not a building that they have no experience with. They build these things every day so they don't know what the big thing is, but I'm having a helluva of a time.

**Dallas Bruhl** – So the easement is not really an issue here, is that correct?

**Jerry Sahlfeld** – I don't think it is...

**Dallas Bruhl** - It's the size of the moveable building?

**Jerry Sahlfeld** – We're still fighting that too – we've got three or four deals going ...

**Mike Roberts** – As further explanation, in order to obtain a building permit for any building portable or otherwise Mr. Sahlfeld will have to appeal to the City Commission for a variance in order to put a building in a public utility easement.

**Bob Haworth** – So, a portion of this proposed building that he wants to build would be in the utility easement?

**Mike Roberts** – That is correct; and his chances for success of asking for a variance for a building with a permanent foundation in the public easement are virtually nil, so he is hoping to use this strategy by proposing a portable building but with still no guarantee that he will be granted a variance from the City Commission to site the building where he wants to place it. The key for him and the reason he is appealing to this board today is because if he is going to do this he feels he has nothing to lose to ask the board for a variance and an appeal to that 200 ft size limitation as long as he has to appeal this anyway.

I would interject on Mr. Sahlfeld's behalf that he does have an engineering report from Sturdi-Bilt buildings about the required anchorages for the building that would be required in order to meet our local wind displacement requirements. However, the question again, before this board is – Is there sufficient evidence that Mr. Sahlfeld is providing from a building code prospective to grant the increase from what the board has previously set at 200 square feet. This is not a zoning hearing today, this is a building code hearing. That is what the board is going to have to determine today - Is the size that they previously set (*referring to 200 sq ft*) too small or is that a reasonable size? I would also like to interject as part our staff report that

this whole exemption – Mr. Sahfeld has suggested that this is a Sturdi-Bilt building – I would like to refer to this whole amendment as the “Sturdi-Bilt” amendment. That was the reason that staff proposed this amendment to the Building Advisory Board in the first place; is because of the market niche that Sturdi-Bilt has here in Salina. They have been marketing those buildings and providing those building here. We notified Sturdi-Bilt about the Advisory Board considering this local amendment, regarding the size limitation, and a representative that I spoke with from Sturdi-Bilt acknowledged that we were going to be having a meeting and if they were interested in asking for an increase in the size that they would be at the meeting to discuss the amendment. They did not come to the meeting so they had no representation at the meeting when the board discussed and considered this proposed amendment.

**Bob Haworth** – I remember that there was some representation from a lumberyard at that meeting, I can’t remember - it’s been a while. I was thinking that there was and it was discussed that the majority of buildings that were built would fall underneath that category for sizing.

**Mike Roberts** - You’re right – Sturdi-Bilt was not here but there was a lumberyard represented.

**Jerry Sahfeld** - The one over there by Dillons, they sell them. What’s that lumberyard? – I can’t think of the name....

**Bob Haworth** – Star Lumber? Which Dillons?

**Mike Roberts** – I think he is talking about Star Lumber.

**Jerry Sahfeld** – They sell them and they told me they put these buildings up on the skids and they’re sturdy...there’s no....I don’t know...

**Vernie Stillings** – Mike, is this a one time thing? This building, just this today...or is this changing the whole thing. I might have misunderstood...

**Bob Haworth** – That’s up to the board – Why don’t we ask...

**Mike Roberts** – What you need to determine today – You’ve already determined previously that 200 sq. ft is a reasonable limit for this. Is there any building code requirement, or building code rationale to increase that size today for this one case, because if you don’t establish some code relevant reason to establish it, rather than just the desire of the applicant to build a larger building, then what is to prevent the next person from coming in and saying that they want a larger building also and they just don’t want to pay to have a permanent foundation installed.

**Bob Haworth** - Do you have any other comments? *(directed at Mr. Sahlfeld)*

**Jerry Sahfeld** – No, but I’ve seen other buildings that are up like this and they didn’t, you know, I mean other people have buildings this size in their own areas – I’ve seen it all over town. It’s not, you know, I don’t know....that’s all I’m saying.

**Vernie Stillings** – Yeah, but they probably weren’t in easements.

**Jerry Sahfeld** – I bet you it was. If I had the time I'd go find some for you, I know that. But I work too hard.

**Vernie Stillings**- I think that's the biggest problem isn't it - the easement?

**Mike Roberts** – Well, for Mr. Sahfeld it is.

**Bob Haworth** – For us, it's the size. Basically the way you (*referring to Mr. Sahfeld*) have explained it to us is that for what you are wanting, you'd like to have a larger building - we don't even look at the easement issue and that we think it would be a safe and reasonable building. You are asking of us, just as the board, to look at it and consider if it would be safe and reasonable for any part of Salina. We have to look at everything, not just your lot, we have to look at if it's a code issue would it be safe and effective for everyone. You are coming here today representing yourself, but we as a board, the way I would take this issue, is that we would need to look at the entire community. I have no further questions. Does anyone else on the board have further questions for Mr. Sahfeld?

**Jim Manley** – I have a question. If by chance we don't allow him to build a building of that size, would it be possible for you to build two buildings.

**Jerry Sahfeld** – I've checked into that and they don't want you to put two buildings...

**Mike Roberts** – To elaborate - the Zoning code for residential zoned lots only permits one accessory storage building per lot. It permits a separate garage and a separate storage building so you can't building multiple storage buildings.

**Jim Manley** – A separate garage and a separate storage building?

**Jerry Sahfeld** – Can I put a garage on this building and call it a garage? – a garage door I mean.

**Mike Roberts** – Well, yes, but you are still missing the point. It would still be required to have a foundation.

**Jim Manley** - Not if it's under 200 square feet...

**Mike Roberts** – Not if it's under 200 square feet, but he was asking if he could put a garage door on this 280 square foot building and still not put it on a foundation because he would be calling it a garage instead of a storage building.

**Jim Manley** – Do you have a separate garage?

**Jerry Sahfeld** – It's hooked to my house...yeah. It's attached to my house....We're talking back yard right now....Is it possible that I could be a 200 square foot building back there with a garage door on it and call that a garage and the other one just a shed – 200 square foot? Is that possible?

**Mike Roberts** – That is possible. I would certainly like for the zoning administrator / the Director of Planning to be here – because there are lot coverage issues and set back issues from property lines with all of your buildings together, so without looking at a site plan I couldn't tell you definitively whether you could or not, but that would be perhaps an avenue if there weren't any other zoning hardships because of lot coverage presented by multiple buildings. That is one possible option.

**Jerry Sahlfeld** – Well, I talked to....I can't remember his name.... maybe Mike, it was a sewer guy...

**Mike Roberts** – Monty Hole

**Jerry Sahlfeld** – Yeah, and he said two or three feet ain't going to hurt that sewer line one way or the other. That's just what he told me personally. Now, I don't know what he's supposed to say when he comes in a room like this, but that's what he told. He said it ain't that big a deal.

**Mike Roberts** – I would also want to caution you and I think Mr. Manley would concur with this. I don't believe that you could use this building – assign this building as a storage building – you couldn't put the garage door on this building and call it a garage because the wood floor wouldn't support the live load building code design...

**Jerry Sahlfeld** – I knew there was something in there... somehow I just knew that.

**Mike Roberts** – ...that would be required to park a car. What I was saying was that you have mentioned to me in a separate conversation that you wouldn't be opposed to putting in a concrete floor if it just wasn't for the fact that because of where you want to put this building.

**Jerry Sahlfeld** – I want to put this (inaudible)

**Mike Roberts** – You wanted to put a separate building – just reverse what you were thinking before – just call this one your storage building and erect a separate building that you wanted to call a garage and put a concrete floor in that building, rather than using a Sturdi-Bilt building; that would increase your storage capacity and would still – all other zoning considerations aside – that would still probably work, instead of trying to make the one that was located in the utility easement a garage. That would just be another option for you.

**Jerry Sahlfeld** – All right.

**Bob Haworth** – Other public comment?

**Marty Soffron** – I'm Marty Soffron, 1405 Kaci Court. I purchased the property adjacent to him a little over three years ago. Shortly after that he approached me asking if I would be willing to sell part of the property. I'm in the corner of a cul-de-sac and it's a pie shaped lot and what happened is that it took us a while before we were able to conclude the transaction of the property. The space that he was given was based on what I thought I could afford to give up and still keep a reasonable size square footage compared to what all of the other lots were in the neighborhood, as far as rectangular lots, rather than being a pie shaped. I also, shortly after purchasing my property, I put up a Sturdi-Bilt building a 10'X12' so it does not require a

permit. But before doing that I came to the City and I acquired a map that was supposed to be a survey map of my property. It showed a ten foot easement on the north end of my property - he would be on the west side of my property...this property here. That would make it a side lot, which means, I guess, that's one of the things with the zoning now - realizing that I might have to come back to support him on a separate issue. But, we looked - when we were looking at the property to determine how many feet to come back from his property line - we had a couple of fence posts from our neighbors that we were able to tie into, so we thought we would run a north/south fence and would be able to tie into these two fence posts - these 4X4s that were already in the ground. That was what determined how far back we came over or how far we came from the end. The survey that was done and the survey that was done in order to sub-divide my land did not show any utilities on the west side, which would be the property where I am in contact with his property. Also, shortly after I moved here, because I was planning to do some pipe work and also put in this Sturdi-Bilt building in the back of my yard, I did the one call and asked them to flag all utilities in my property. There was nothing shown on that west side so we had no idea when we were going with this sub-division of my property so I could sell part of it to Mr. Sahlfeld that there was any problem with an easement. It wasn't until after the property had been sold that we first found out about this problem with this easement. That's part of the problem now - Now we're being told that we can't do...put on this concrete slab...That was not a concern of mine; none of the other neighbors in the neighborhood - the one that is adjacent to me that he'd be impacting - had or have any problems with his constructing that 12'X24' building. That is the size building we'd been talking about since we started. And so from that stand point it's difficult for us to understand after the fact that all of a sudden he can't do some of his stuff. Well, we don't have a problem with it either and from a zoning stand point I know we're going to get to - well I guess it will have to come at a separate time - to address the issue about the setback, whether it's a three foot setback from the property line or a five feet setback...or a two foot setback requirements based on what my understanding was and our concerns. This open lot - probably there is about forty feet still from where the property line to my house and there is no way that I can see anything being built there because there is no access to that area unless somebody tried to expand or enlarge the house which I don't think will happen. So you are still talking about a very large open area - might be a tree here or there or something else - but no way would there be a building. I was also told that I could construct two buildings - I was not told that one would have to be a garage - when I spoke to the City Building Department. I have this one 10'X12" building that because of electrical connections did require a permit, but the structure itself did not. I was told that I could have two 10'X12' buildings - that means I could have 240 square feet without any permit, without anything within my property. We're talking about one building going in that's 280 square feet. So, from that stand point we're still able to do that - and if you want to talk like from a structural stand point - I could set those two 10'X12' buildings right side by side and not have a problem with that. And here we're talking about structures being constructed to be as sturdy as a single stand alone building.

**Bob Haworth** - As Mike has said, you can't have two storage buildings on a property.

**Marty Soffron** - That's not what I was told when I talked to the City about three years ago. I was told that I could have two separate buildings - neither one could exceed a 10'X12"

**Bob Haworth** - Are there any questions for Mr. Soffron? Is there any other public comment? Hearing none, we will bring the action back to the board and close to the public. Obviously we need to make a determination on the size of the building. As far as the applicant goes it would



be the applicant's responsibility to try to figure out how to build the building on an easement – off – whatever size building that may be. As a board, whatever action we take we would have to look at if that's going to be a chain reaction for other applicants coming in for other areas in the community. As far as this easement goes – you said that it was a storm drain or a sewer – what is there?

**Mike Roberts** – I am not sure what kind of a utility easement it is.

**Bob Haworth** – It is beyond the action of this board – that sewer could be right along the edge of that 20' easement to one side to where the one homeowner said his property is already forty feet away. It has been done at times where there is a shift of the easement and there is actually a twenty foot easement that the building wouldn't even be built in the easement because there's been a re-structuring of that easement. I know that has been done at times, but it's beyond the power of this board for that and I'm sure that's been explained to the applicant – maybe not – to be sure there is stuff in that easement. But for us as a board we need to just look at it for the building itself.

**Dallas Bruhl** – Mr. Chairman I have a question of Mike. You said that the UBC used to allow 400 square foot building and the IRC went to zero – is that correct?

**Mike Roberts** – That's correct.

**Dallas Bruhl** – I wasn't on the board when all of that took place but basically someone picked a number of 200 out of the air – is that what you're telling us?

**Mike Roberts** – I wouldn't exactly describe it that way. As I tried to explain in the staff report there was a rationale for that number; from two different directions. First of all the IRC allowed an increase from the old UBC requirement from a 120 sq. ft. to 200 sq. ft of the size of building you could build without a permit, meaning that the code writers felt that a building that small was not dangerous enough – did not present a life safety hazard – to require permits and inspections. You still have to build them according to code. That was one reason. Obviously the second reason was because there was just some number that the board had to pick if we were going to create any exception at all. I must remind the board that the model code as written and revised by the current code writers say that no building is small enough to build without a permanent foundation. Our local code amendment was adopted to try to create some reasonable niche for the marketing of these pre-fabricated structures so that they could still be marketed here within our community. When the discussion was had as to what size that should be – what was a reasonable size – then again that 200 square foot number was suggested as a compromise between zero and 400 because 200 square feet was the size that the building codes thought was reasonable to not require permit and inspections and because there was no objection from the retailers of those buildings at the time the board made that consideration.

**Bob Haworth** - I remember all of that – it's been a while.

**Dallas Bruhl** – So in regard to the easement - putting a portable building on the easement – is what we're talking about doing here, do you see any adverse affects of putting a building on the easement that has 80 more square feet than we have now?

**Mike Roberts** – I think the Chairman, Dallas, summed it up when he said the easement is really moot. That is a zoning question. The question before the board now is to decide if it is reasonable to allow an increase – Is that 200 square feet unreasonable in size because the applicant has not provided any other information other than the fact that he would like to have a larger storage building than the 200 square feet. Is there a reasonable, rational reason to increase that size? Without doing that, you're granting waiver to the building code, which you are not by law allowed to do. Unless you can provide some equivalency that there is a rationale that this building is as safe at 280 square feet as the adopted code which limits the size to 200 square feet that is the question that is before the board. As the Chairman has pointed out, if you approve this one today, it should be approved on some rational basis so that when the next applicant comes in to request a 300 square foot building or a 400 square foot building – without a permanent foundation – that there is some reason or justification that says that is not reasonable.

**Dallas Bruhl** – Okay, I'm pretty dense here, but let me see if I can figure this out. What you are saying is that the easement has nothing to do with it, but if the easement had nothing to do with it he could build a permanent structure – correct - and that permanent structure could be how large?

**Mike Roberts** – The zoning limitations for the two buildings that are allowed are 400 square feet for detached storage buildings and 720 square feet for detached garages.

**Bob Haworth** – With a permanent foundation?

**Mike Roberts** - Both of those by code require a permanent foundation, yes. As Mr. Manley has pointed out there is a size reduction in the footing for buildings less than 400 square feet. You don't have to go all the - the IRC does not require you to go down below the frost line for buildings less than 400 square feet. It still requires a permanent wood or concrete foundation that goes into the ground a minimum of twelve inches, but it still requires that permanent foundation.

**Bob Haworth** – Other comments of the board?

**Jim Manley** – I have a couple of comments. I don't doubt that he can structurally design his temporary or non-permanent foundation to resist any type of structural loads. I don't doubt that he could do that....

**Bob Haworth** – He even said that he could.

**Jim Manley** – ...but I do have concerns about the precedence we are setting. I know many people that have limited their ancillary or storage shed to just under 200 square feet just so that they would not have to put in a permanent foundation. I have concerns about allowing that today and the only reason I have concerns is because of what we have done in the past.

**Bob Haworth** – Any other comments from the board? Hearing none, would the board like to make any action?

**Jerry Sahlfeld** – *from the audience – inaudible*

**Bob Haworth** – repeated what Jerry said that it is actually 288 square feet that he is proposing to build not 280 square feet. I think it would be appropriate for the board to make action one way or another, either for denial or approval, but approval would have to be with reasons and what we would want to change the codes to.

**MOTION:** Jim Manley moved to deny the request by Mr. Sahlfeld and not change the current codes as written.

**SECOND:** Les Appleby

**DISCUSSION:** None

**VOTE:** 6-0 approved motion to deny Mr. Sahlfeld's request

**(C) Further discussion regarding the requirements for Specialty Contractor licensing, building contractor licensing requirements for commercial property owners and continued registration for other contractors not otherwise required to be licensed.**

Bob Haworth opened this agenda item and Mike Roberts reported that today's attendance of the board is six members and that is exactly a quorum necessary to take any action on any agenda items. One member needs to leave at 5:00 and so we would lose the quorum. Mr. Roberts suggested presenting the staff report and matrix that Greg Bengtson prepared today and then table this agenda item to the September board meeting.

Greg Bengtson passed out copies of a summary that he prepared regarding all of the considerations the board has for the Class D and specialty licenses.

Bob Haworth requested that the board members take this information and study it and be prepared to discuss the details at the September meeting.

**(C) Other Business –**

Mike Roberts thanked all of the board members for their commitment to today's meeting especially since there was an appeal on the agenda.

**MOTION TO ADJOURN:** Mr. Haworth adjourned the meeting directly at 4:57 p.m.

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Michael Roberts



## Staff Report

**To: Building Advisory Board**

**From: Building Services Staff**

**Re: Specialty Contractor requirements of other communities**

**Date: September 12, 2006 (originally distributed at August 8, 2006 meeting)**

### Wichita:

1. **Specialty Contractor Licenses;** Maintenance license, Roofing and siding contractor's license, Swimming pool contractor's license, Wrecking contractor's license, Solar heater contractor's license, Fire sprinkler contractor. **A test is required to obtain any of the specialty contractor licenses.**
2. **Who was grandfathered;** Wichita's requirements have been in place since the mid 60's. It is unclear who was grandfathered in at that time. All current licenses are qualified by a test. The city will recognize ICC or Exporior tests, and for some licenses have written their own tests.
3. **License Renewal;** No requirements for continuing education for any class of building contractors licenses at this time.

### Emporia

1. **Specialty Contractor Licenses;** siding contractor, roofing contractor, foundation and repair contractor, masonry contractor, demolition contractor, swimming pool contractor and fire extinguishing contractor. **Tests are required for all specialty contractor license categories.**
2. **Who was grandfathered;** Emporia adopted their licensing requirements in the late 70's. It is not clear who was grandfathered at that time.
3. **License Renewal;** No requirements for continuing education for any class of building contractors licenses at this time.

### Hays

1. **Specialty Contractor Licenses;** Roofing Limited Contractor (residential roofs over 2 ½ /12, Roofing Unlimited Contractor, and Limited Contractor (such as, but not limited to, siding, masonry, plastering, excavation, waterproofing, foundation work, sign hanging, cement work, house wrecking or moving and the like). **A test is required to obtain either of the roofing licenses.**
2. **Who was grandfathered;** Anyone who held a license prior to the adoption of the testing requirements was exempted from examination. Those who had initially received a grandfathered license are grandfathered indefinitely as long as they do not allow their license to lapse.
3. **License Renewal;** No requirements for continuing education for any class of building contractors licenses at this time.

### Topeka

1. **Specialty Contractor Licenses;** Excavation contractor, Elevator contractor, Concrete contractor, Swimming Pool contractor, Demolition contractor, Roofing contractor, Fire Alarm contractor and Fire Suppression contractor. **A test is required for each of these licenses** unless a contractor can demonstrate that he has obtained a minimum of 5 building permits with the city which have had an approved final inspection within the previous 5 years.

2. **Who was grandfathered;** There was an initial 5 month period after adoption of the ordinance that anyone could apply for and obtain a license without testing and that license can be renewed indefinitely as long as it is kept in good standing. After the initial 5 months, for a period of 1 year, contractors could obtain a provisional license without a test, but all provisional licenses expired at the same time at the end of that 12 month period, after which time they had to pass the required test to renew their license.
3. **License Renewal;** Continuing education required

#### **Lawrence**

1. **Specialty Contractor Licenses;** Framing and Concrete, **test required**
2. **Who was grandfathered;** In the first 18 months after adoption of the resolution a contractor could obtain a Provisional license. If the contractor obtained 32 hours of code-related education before the second renewal (Johnson County is on an annual license renewal program), the Provisional license can be renewed indefinitely without a test. However, if the contractor did not obtain the 32 hours of education the provisional license could only be renewed one time, and then the contractor would have to pass the appropriate test to renew.
3. **License Renewal;** Continuing education required

#### **Summary of action taken at the July meeting**

- The Board voted to not establish a sunset date for Provisional licenses to expire if the required test was not passed.
- The Board voted to recommend that a building contractor obtain a minimum of 6 hours a year of continuing education in order to renew their license.
- The Board voted to establish a sunset for Provisional licenses if a minimum of 36 hours of continuing education was not obtained before the first license renewal.
- The Board voted to establish a Class D license. However, no definite decision was reached about what group of individuals or contractors should be included in this class. There was general consensus that no test would be required for whatever individuals or contractors might be included.
- The Board voted to recommend establishing Specialty Contractor license requirements for all of the contractors so recommended by Board member Les Applebee in his submittal to the Board, which included all of those Specialties for which tests were available, i.e., Foundation (more specifically Concrete), Framing, Roofing, Masonry, Demolition, Signs, Swimming Pools, and Right-of-Way Concrete (Paving). However, the Board did not take any action on whether these contractors should be tested at this time.



## Staff Report

**To: Building Advisory Board**

**From: Building Services Staff**

**Re: Specialty Contractor licensing**

**Date: September 12, 2006 (originally distributed at August 8, 2006 meeting)**

At the July 11 meeting of the Board a motion was accepted that certain specialized building contractors should be licensed by the city. The related issues currently before the Board include;

1. Should any or all of the Specialty Contractors recommended by the Board to be licensed be required to have a Qualified Individual who is qualified on the basis of experience or testing?
2. If a Qualified Individual is required, should there be a similar allowance for Provisional licenses as was created for the A,B and C class contractors?
3. If a Provisional license is approved, with experience acceptable in lieu of testing, what should the experience requirements be?
4. Should continuing education be required for license renewal, and if so, how much?
5. Should Class A, B or C contractors be permitted to install signs or swimming pools?
6. If a Class D license is established, what group of individuals or contractors should be included in this Class?
7. If property owners or their employees are permitted to do alterations or renovations of their properties that require a building permit, but do not require the services of a design professional, should the owner be required to be licensed as a Class D contractor, requiring proof of insurance, but not testing or continuing education?
8. If a property owner seeks to do work as suggested in item #7 which would include work that would require a licensed Specialty Contractor such as framing, should that work be done by a licensed Specialty Contractor?

Staff would also suggest the following definitions for Specialty Contractors

**Structural Concrete:** A contractor that specializes in on-site forming and placing of concrete for building walls, columns and self-supporting floors or roofs and for retaining walls requiring building permits.

**Masonry Contractor:** A contractor that specializes in the placement of brick, stone, block and other masonry products for building walls, structural or veneer, and for retaining walls requiring building permits.

**Framing Contractor:** A contractor that specializes in rough framing of structural and non-structural building components such as walls, floors and roofs using wood or metal.

**Roofing Contractor:** A contractor that specializes in the installation, repair and replacement of roof coverings, including roof deck insulation and nonstructural roof decking.

**Paving Contractor:** A contractor that specializes in the construction of sidewalks, driveways, curbs and gutters located in any city right-of-way.

**Demolition Contractor:** A contractor that specializes in the demolition and removal of buildings and structures.

**Swimming Pool Contractor:** A contractor that specializes in the installation and repair of permanent in-ground or above-ground swimming pools as defined by city code.

**Sign Contractor:** A contractor that specializes in the fabrication, installation, alteration and repair of electrical and non-electrical permanent signs used for the purpose of advertising and of all sign supports and accessories.